

City of Milpitas

455 E. Calaveras Blvd.
Milpitas, CA 95035

File with: *Milpitas City Clerk*
 455 E. Calaveras Blvd.
 Milpitas, CA 95035

PLANNING: (408) 586-3271
CITY CLERK: (408) 586-3001



APPEAL FORM

1. APPELLANT(S):

Name _____

Address: _____

City, Zip _____

2. DECISION BEING APPEALED:

I (we), the Undersigned, do hereby appeal a decision of the Planning Commission's approval of: _____

PROJECT: _____

LOCATION: _____

DATE OF DECISION BEING APPEALED:

3. STATE THE SPECIFIC RELIEF WHICH THE APPLICANT SEEKS:

4. SUMMARY OF REASONS WHY THE APPELLANT CLAIMS ENTITLEMENT TO THE RELIEF SOUGHT:

If more space is needed, attach additional sheets.

DATE: _____

SIGNATURE _____

ADDRESS _____

☐ Filing Fee \$100.00

CITY _____

PHONE _____

RECEIVED BY: _____

DATE: _____

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PROCEDURE

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Any person aggrieved by any decision of any officer, board, commission or department of the City of Milpitas, may appeal said decision to the City Council by filing written notice of said appeal with the City Manager within twelve (12) calendar days of the date of said decision. Said time limit shall be strictly enforced.

FEE FOR FILING

The appellant shall pay to the City at the time of filing the notice of appeal the sum of \$100.00.

CONTENTS OF NOTICE

Said notice of appeal shall state:

- (1) The name and address of the appellant or appellants.
- (2) The decision appealed from, the date of the decision and the name of the officer, board, commission or department rendering the decision.
- (3) The specific relief which the appellant seeks.
- (4) A summary of the reasons why the appellant claims he is entitled to the relief sought.

Said notice shall be signed by the appellant or appellants.

SETTING OF HEARING DATE

If the decision appealed from was one rendered upon public hearing before said officer, board, commission or department, the City Manager shall cause a hearing to be set before the Council within sixty days of the filing of said notice of appeal. Notice of said hearing shall be given in the same manner as was required to be given upon the original hearing before said officer, board, commission or department.

NOTICE

Notice shall be given to the appellant or appellants by mail in accordance with Section I-20-2.02 of the Milpitas Municipal Code.

HEARING APPEAL

The Council shall hold a hearing upon said appeal in accordance with the provisions of Section I-20-3.02 of the Milpitas Municipal Code. The Council may hear and consider evidence presented at the hearing below and may also hear and consider new evidence. The Council may also consider the decision of the officer, board, commission or department and the reasons, if any, assigned therefor.

DECISION OF
THE COUNCIL

The Council shall render its decision by majority vote within sixty days of the close of the hearing on appeal. The decision of the City Council shall be final.

When an appeal from any decision of any City officer, board, commission or department to the Council is authorized by ordinance of the City or by the Milpitas Municipal Code, the Council shall be empowered to hear new evidence upon said appeal and to:

- (i) sustain said decision, or
- (ii) reverse and remand said decision for further consideration, or
- (iii) reverse said decision (without remand) and reach an opposite decision, or
- (iv) modify said decision, or
- (v) sustain, reverse or modify said decision subject to such new or additional conditions as are imposed by the Council.

provided, however, that the City Council shall not modify a decision or sustain, reverse or modify said decision subject to new or additional conditions without first giving the same notice and opportunity for hearing that was required by law for the original decision of the officer, board, commission or department appealed from.

A notice of appeal shall not be effective unless said notice shall be filed and said \$100.00 fee paid within the time here-in required.